



# California Regional Water Quality Control Board

## San Diego Region

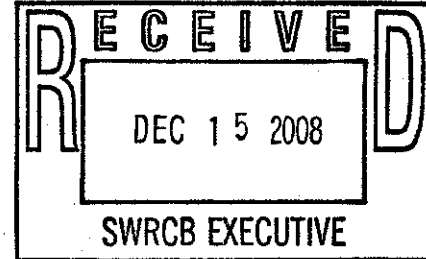


Linda Adams  
Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

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TO: Jeanine Townsend  
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FROM:   
John H. Robertus  
Executive Officer  
**SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD**

DATE: December 15, 2008

### SUBJECT: Comments on Draft Enforcement Policy Sections

The San Diego Regional Water Board strongly supports the proposed processes outlined in the draft enforcement policy sections on (1) *Supplemental Environmental Projects (SEPs)* and (2) *Use of the State Water Pollution Cleanup and Abatement Account for Regional Water Quality Improvement Projects*. Together, the policies promote accountability necessary to instill and sustain public confidence in two crucial areas: First, that SEP proposals will be appropriately vetted, and SEP funds will be adequately tracked; Second, that a significant portion of liabilities imposed by the Regional Water Boards will be available for important environmental projects in the originating region.

The San Diego Regional Water Board has provided comments to the State Water Board staff during development of the proposed policies. Please consider the following comments on the SEP Policy and Cleanup and Abatement Account funds that are intended to advance accountability of suspended liabilities directed to fund SEPs:

#### Supplemental Environmental Projects

1. SEP oversight by Water Boards should be consistent with CAA-funded project management by the State Water Board (SWRCB). For instance, each Regional Water Board SEP could be managed with appropriate and uniform CAA/SEP management practices using accounting forms developed by the SWRCB. The proposed SEP Policy requires that the SWRCB annually post the status of each approved SEP. Standard tracking forms would facilitate the preparation, oversight, and public evaluation of SEP status reports.

2. Proponents of all Water Board SEPs should be required to submit monthly status reports. Timely information disclosure will provide an incentive to maintain performance of SEP projects, and it will assist in the Regional Water Boards' oversight of the SEPs.
3. SEPs should be developed, proposed, and approved to ensure that resources necessary for oversight by the Regional Water Boards is minimal and that there is a reasonable expectation of environmental benefit of the SEP.
4. Definite deadlines for timely completion must be included in all SEPs.
5. Maintaining lists of potential SEPs on each Water Board internet site may require substantial resources to keep pace with the dynamic nature of water quality improvement projects. A more practical alternative is to periodically update lists of potentially-appropriate receiving entities and types of projects based on the priorities of each Regional Water Board.

Cleanup and Abatement Account for Regional Water Quality Improvement Projects

1. The policy should provide assurances that funds reserved for a Regional Water Board's regional water quality improvement projects would not be encumbered from the account without expressed approval from the Regional Water Board whenever possible.
2. The SWRCB should post progress reports on CAA-funded projects as is proposed for SEPs. This would improve the public discourse on projects and, ultimately, improve the quality of information considered by the Water Boards when considering and advocating for particular projects.
3. The SWRCB should clearly establish the process and the criteria to approve projects suitable for funding with CAA funds.

Thank you for the opportunity to comment on the draft policies. If you have any questions please contact me or Jeremy Haas at 858-467-2735, [jhaas@waterboards.ca.gov](mailto:jhaas@waterboards.ca.gov).

JHR:mpm:jh